

REMARKS

Formal acceptance of the above amendments as a submission in accordance with USPTO RCE Practice is respectfully requested. Reconsideration and allowance of the above-identified application, as currently amended, is also respectfully requested.

Claims 1-18 are now pending of which claims 5, 6 and 9 are currently amended and claims 14-18 are newly presented.

The changes being made to the claims are strictly of a minor editorially clarifying nature. With regard to claim 9, the expression "a media storing for the first telecommunication network" was revised to that of "a media storing entity of a first telecommunication network," consistent with the related expression in the specification (see page 12, lines 8-12 of the substitute specification). With regard to claim 6, the expression "said outputting of the media content," in line 2 thereof, was amended to "said providing of the media content," consistent with the relating set forth expression in intervening claim 2, lines 3-4 thereof. Also, in order to avoid any proper antecedent concerns regarding the expression "the method further comprises the following steps before said providing of the media content," intervening claim 5 was amended so that it is dependent instead on intervening claim 2. It is submitted, the above-noted claim changes are strictly of a minor editorially clarifying nature, clearly not affecting the intended scope of the subject matter set forth therein. Acceptance/formal entry therefor of the same is respectfully requested.

Claims 14-18 are being added to particularly highlight various aspects directed to the originally disclosed subject matter. For example, claim 15 further defines the set forth properties in line with that described on page 9, line 29 et seq, of the Substitute Specification. Claim 14 is a re-presenting of previously pending

claim 5. Claim 16 further highlights the routing of the received media content in line with the example embodiments. Claims 17 and 18 are being added to highlight the role of the "notification message" as a stand-alone event that subsequently possibly triggers the streaming but does not require any ongoing view of the "media content."

Claims 1-13 stand finally rejected under 35 USC §102(e) as allegedly anticipated by Barrus et al. (U.S. Patent No. 6,693,652 B1), of record. As will be shown hereinbelow, in supplement to the earlier responsive arguments, the invention according to claims 1-13, and further according to new claims 14-18 was neither disclosed or suggested by Barrus et al. Therefore, insofar as presently applicable, this rejection is traversed and reconsideration and withdrawal of the same is respectfully requested.

It is submitted, Barrus et al. neither disclosed or suggested the combined set forth limitations relating to a method in a network entity according to claims 1-10, a network entity in claim 11, a communication system according to claim 12 or, for that matter, an apparatus which comprises a storage medium with a computer program for controlling a network entity stored therein, the program when executed causing the network entity to perform as..., according to claim 13. Insofar as the set forth language in independent claims 1 and 11-13 is concerned, Barrus et al., it is submitted, neither disclosed or suggested a scheme calling for, among the featured aspects thereof, (i) a database comprising recipient data describing multimedia reception capabilities and/or reception preferences for at least one recipient, (ii) forming, in accordance with the reception data, a notification message containing information that the media content is available to the at least one addressed recipient, and (iii) outputting the notification message for transmission to the at least one addressed recipient.

Barrus et al.'s hierarchical messaging system does not call for the accessing of a database which comprises recipient capabilities and/or reception preferences, as that presently set forth in each of independent claims 1, 11, 12 and 13. The referred to portions of Barrus et al.'s disclosure, i.e., column 14, lines 1-43; column 21, lines 1-8; and column 27, lines 32-44, etc., merely disclose that electronic documents or "media content," insofar as the present claimed subject matter is concerned, can be displayed upon cubes in a three-dimensional environment, the creation of two-dimensional reduced sized thumbnail image superimposed upon a three-dimension cube, that devices can be computers, phones, fax machines and PDA's and all devices include the capabilities of the system, and various modifications in accordance with Barrus et al.'s teachings. It is submitted, Barrus et al. neither disclosed or, for that matter, suggested the featured aspect calling for a database comprising recipient... capabilities and/or reception preferences..." In this regard, it is noted that in column 10, lines 41-50, relating to Fig. 3a, Barrus et al., specifically discloses a multimedia message (e.g., 300) which includes a first sub-message 320 and a second sub-message 340. There is no discussion in Barrus et al. of how such a multimedia message would be stored in a system database.

It appears that there might be some misunderstanding of the concept of the database according to the presently claimed subject matter. In the claims the database which is accessed by the network entity (e.g., a multimedia messaging relay or MMS relay) comprises recipient data describing multimedia reception capabilities and/or reception preferences for the recipient (e.g., MMS (UA)B). That is, the database that is accessed contains characteristic data pertaining to the intended recipient of the media content, the characteristic data including multimedia reception capabilities and/or reception preference(s) of the intended recipient. Such

is contrary to a database containing simply the actual media content as in Barrus, et al. It is noted that based on the referred to citations therein (in the Office Action rejection), "the database" in Barrus, et al. relates to a message or electronic document itself, namely, to the actual multimedia content, which is in clear contradistinction with that presently set forth.

The database according to the present invention is completely different than being simply just an entity where multimedia components that can be selected by the user are stored. In this regard, it is not understood how the referred to "audio gauge 242" relates to the set forth language "accessing a database comprising recipient data describing multimedia reception capabilities and/or reception preferences for at least one recipient." It appears that the referred to audio gauge 242 relates to a progress indicator for playback with regard to media content in a "clip". On the other hand, the database according to the present invention facilitates accessing of the capabilities and configuration associated with the MMS user agents and the local MMSE as a whole. Barrus et al. merely disclosed different types or forms of content that are usable without any indication/discussion of providing a database associated with the capabilities of the addressed user agents.

For example, Barrus et al. shows a communication scheme in Fig. 10 which employs Multimedia Conversation (MMC) servers 1002 for effecting communication between different types of devices which have varying capabilities. Each of the devices (including the fax machine) includes the capabilities of the system with regard to the sending, receiving, creating and presenting messages (see column 21, lines 1-8). This simply means that such a system must be able to communicate with different types of devices. Such is clearly irrelevant to the presently claimed subject matter.

In column 27, Barrus et al. disclosed an updating mechanism for thumbnail images while it is being displayed by a client (user agent). This could mean a situation in which the updating should occur such as with regard to the 3D model. However, if the displaying of the 3D model is using some basic application or plugin and its content is simply refreshed to correspond to the changed situation on the server, the client capabilities need not be addressed. It is submitted, therefore, that none of the citations referred to in the Final rejection disclosed or would have led one or ordinary skill to scheme the present invention which calls for, amongst the featured aspects thereof, accessing a database directed to the capability/user preference(s) as that now set forth.

It is also alleged that Barrus et al. also disclosed that featured aspect calling for "forming a notification message containing information that the immediate content is available to be streamed to the recipient," in accordance with the recipient data received from the database. Barrus et al., disclosed updating the display of contents and as a result, therefore, some signaling necessarily takes place. As it relates to the automatic updating of thumbnail image process, according to Barrus et al. (see Fig. 17), any notification message that can be conceivably communicated could not have been effected, applicant submits, in the manner as presently set forth. In the present invention, the notification message is in accordance with the recipient data communicated by the network entity, (e.g., MMS relay) and is based on data capabilities/reception preferences associated with the recipient which are stored in a database.

It is also noted that the citations referred to in the Final rejection, such as, for example, the discussion in column 10, lines 48-50, make reference to the use of "audio clips." As is well-known, a "clip" as used in a multi-media messaging service

is a capsule entirely loaded prior to playback, which is contrary to that of "streaming." In other words, the term "clips" relates to content and not to a "database" as presently employed in the claims. For at least the above reasons, the invention according to independent claims 1, 11, 12 and 13 and, therefore, also according to the corresponding dependent claims thereof, could not have been anticipated or, for that matter, rendered obvious in view of Barrus et al.

It is submitted, there is neither discussion or suggestion of establishing a streaming session as that called for in dependent claim 3 and, also, streaming session that is preceded by the notification session as that set forth in claim 4. None of the referred to discussion citations in Barrus et al. appear to even hint the aspect of streaming in the manner as that presently set forth. As to dependent claim 8, the rejection thereof alleges that the set forth "radio link" is met by Barrus et al.'s reference to "audio." However, the discussion such as with regard to "audio" or "audio recording" in Barrus et al. is not used in the same sense as effecting a "radio link," as that presently set forth.

Insofar as present claim 10 is concerned, the referred to discussion in column 18, lines 39-67, does not discuss or even hint of a "notification message" which takes into account the properties/capabilities of a telecommunications network that relays the "notification message." In the above referred to citation, Barrus et al. discusses how the image generation module 814 communicates with the multimedia message system 804 to capture the image and produce thumbnail presentations of referenced objects of the contents. Such, it is submitted, can be considered as being related to the creating of a web-page type of presentation that is viewable with a browser. It is submitted Barrus et al.'s messaging system does not take into account the

properties of the telecommunication network with regard to the forming of the set forth "notification message."

In the Office Action, under the heading "Response to Arguments," it is alleged that the set forth aspect of forming a notification message containing information that the media content is available to be streamed to the recipient(s) is disclosed in column 19, lines 25-67 and/or column 23, lines 31-60 in Barrus, et al. However, in accordance with claim 1, as well as with each of the other independent claims, the forming of such a notification message is in accordance with the recipient data which describes reception capabilities/reception preferences of the recipient(s). Such, it is submitted, is not disclosed nor could have been inferred from Barrus et al.'s teachings.

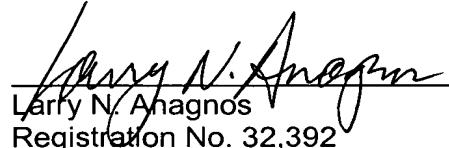
Accordingly, Applicant submits that at least for the above reasons, the invention according to claims 1-18 could not have been anticipated or, for that matter, rendered obvious from Barrus, et al. Reconsideration and withdrawal of the outstanding art rejection as well as favorable action on the currently pending claims and an early formal notification of allowability of the above-identified application is respectfully requested.

If the Examiner deems that questions and/or issues still remain which would prevent the present application from being allowed at the present time, he is urgently invited to telephone the undersigned representative, at the number indicated below, so that either a telephone or personal interview may be arranged at the Examiner's convenience in order to discuss the same and hopefully resolve any remaining questions/issues present.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of

this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1360.40898TRN).

Respectfully submitted,
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